

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

KIMBERLY MEADOR, INDIVIDUALLY,
AND AS GUARDIAN FOR L.M., A MINOR;
AMOS STANDARD, INDIVIDUALLY, AND
ON BEHALF OF THE ESTATE OF SHARI
STANDARD, DECEASED; AND RUSSELL
JONES, INDIVIDUALLY, AND ON BEHALF
OF THE ESTATE OF SANDRA JONES,
DECEASED;

Plaintiffs,

V.

APPLE, INC.;

Defendant.

No. 6:15-cv-00715-MHS

PLAINTIFFS' NOTICE OF SUPPLEMENTAL AUTHORITY

Plaintiffs submit this notice of supplemental authority to the Court to be considered in connection with Plaintiffs' Motion to Compel (Dkt. # 32) pending in the above-captioned case.

Supplemental Authority:

- (1) *Graham v. EnSCO Offshore Co.*, No. 13-6588, 2015 U.S. Dist. LEXIS 24241, at *6 (E.D. La. 2015)(The court rejects defendant's subsequent remedial measures argument as a basis for preventing discovery of this material. Fed. R. Civ. P. 26(b)(1) expressly provides that "[r]elevant information need not be admissible at the trial if the discovery appears reasonably calculated to lead to the discovery of admissible evidence."); see also, *Brazos River Auth. v. GE Ionics, Inc.*, 469 F.3d 416, 429 (5th Cir. 2006).
- (2) *Grenada Steel Industries, Inc. v. Alabama Oxygen Co.*, 695 F.2d 883, 886-887 (5th Cir. 1983)(Rule 407 "does not require the exclusion of evidence of subsequent measures when offered for another purpose, such as proving...feasibility of precautionary measures, if controverted...").

Dated: May 27, 2016.

Respectfully submitted,

/s/ Gregory P. Love
Gregory P. Love
State Bar No. 24013060
Love Law Firm, P.C.
P.O. Box 948
Henderson TX 75653-0948
903-690-7100
903-392-2267 (Fax)
greg@lovetrialfirm.com

Ron Adkison
State Bar No. 00921090
Adkison Law Firm
300 West Main Street
Henderson, Texas 75652
903-657-8454
903-657-6108 (Fax)

John F. (Jack) Walker, III
Martin Walker, PC
121 N. Spring Ave.
Tyler, TX 75702
903-526-1600
903-595-0796 (Fax)
jwalker@martinwalkerlaw.com

COUNSEL FOR PLAINTIFFS

Certificate of Service

I certify that on May 27, 2016, a copy of the forgoing document was electronically filed on the CM/ECF system per Local Rule CV-5(a)(3), which will automatically serve a Notice of Electronic Filing on the following attorneys of defendant, Apple, Inc., who are deemed to have consented to electronic service:

Eric H. Findlay, Esq.
Brian Craft, Esq.,
Debby Gunter, Esq.
Findlay Craft, P.C.
102 N. College Ave., Suite 900
Tyler, Texas 75702
efindlay@findlaycraft.com
bcraft@findlaycraft.com
dgunter@findlaycraft.com

/s/ Gregory P. Love
Gregory P. Love